

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF )  
ILLINOIS )

Petition for a Certificate of Public Convenience )  
and Necessity, pursuant to Section 8-406.1 of )  
the Illinois Public Utilities Act, and an Order )  
pursuant to Section 8-503 of the Public Utilities )  
Act, to Construct, Operate and Maintain a New )  
High Voltage Electric Service Line and Related )  
Facilities in the Counties of Adams, Brown, )  
Cass, Champaign, Christian, Clark, Coles, )  
Edgar, Fulton, Macon, Montgomery, Morgan, )  
Moultrie, Pike, Sangamon, Schuyler, Scott and )  
Shelby, Illinois. )

Docket No. 12-0598

**REPLY IN SUPPORT OF STOP THE POWER LINES COALITION'S MOTION TO  
AMEND CASE MANAGEMENT PLAN TO ELIMINATE THE DECEMBER 31, 2012  
FILING REQUIREMENT TO EXTEND THE TIME FOR SAME**

Stop the Power Lines Coalition ("Coalition"), pursuant to the ALJ's December 27, 2012 Order, submits this brief reply in support of its Motion to Amend Case Management Plan to Eliminate the December 31, 2012 Filing Requirement to Extend the Time for Same.

1. Only the Petitioner, Ameren Transmission Company of Illinois ("ATXI"), has filed a reply opposing the Coalition's motion. The City of Champaign, Macon County Property Owners, Moultrie County Property Owners, and the Nature Conservancy all support the motion.

2. ATXI's response does not address two of the fundamental points made in the Coalition's motion:

- ATXI, its parent corporation who is providing the majority of the funding for the proposed 345kV transmission line, and its affiliate who actually would be responsible for design and construction of the line, have been planning this project for eight years, yet the ALJ's December 14, 2012 Order requires Staff and Intervenors to propose any alternative routes less than two months after the petition was filed.
- It is ATXI's statutory burden of proof to prove that its proposed route is the most cost effective route and satisfies all other statutory criteria. The Public Utilities Act does not require Staff or Intervenors to

plan alternate routes for ATXI, or to identify landowners who might be affected by alternative routes.

3. The reason that ATXI's response failed to address those arguments is because there is no good response.

4. Some of ATXI's other arguments also are not well reasoned. For example, ATXI argues that the fact that Rule 200.200 requires an intervenor to accept the status of the record at the time of intervention means that the intervenor can never ask for a revision to the schedule after it intervenes. The Commission's rules do not require, and likely have never been construed, to mean that intervenors sign a blood oath not to seek a revision to the schedule where the schedule imposes filing obligations on parties not supported by the Public Utilities Act or which, for good cause shown, require adjustment.

5. ATXI also argues that the Coalition also did not participate in the briefing on ATXI's motion for entry of a case management order, and therefore cannot object to the subsequent order. That argument, with all due respect, is patently absurd. A December 31, 2012 filing date for parties to identify alternative routes and affected landowners was never proposed by any party prior to the issuance of the December 14, 2012 Order imposing that requirement. For ATXI to suggest that the Coalition is forever barred from objecting to the requirement that first appeared in the December 14, 2012 Order because the Coalition did not previously brief the nonexistent issue is an argument devoid of logic.

6. ATXI also suggests that because the Commission can adopt alternative route suggestions made by Staff or Intervenors, it is okay for the Commission to require Staff and Intervenors to complete the planning for those routes and identify affected landowners less than two months after ATXI filed its petition. This simply goes back to the two fundamental issues that ATXI has not and cannot effectively address. First, it is ATXI's statutory burden to prove

that its proposal satisfies the statutory criteria. If it cannot, its petition must be denied. No other party has an obligation to plan alternative routes for ATXI, and ATXI's petition could be denied without evidence of any alternative route if the Commission was not satisfied that ATXI had met its burden of proof. Second, it is unfair to require alternative route planning to be completed in such a short period of time.

7. For all the reasons set forth above, and in the Coalition's Motion to Amend Case Management Order, the Coalition's motion should be granted and an Order entered either eliminating the December 31, 2012 filing requirement or extending the date for filing until February 11, 2013. The Coalition also requests that its Verified Petition for Leave to Intervene be granted contemporaneously with the Order granting the motion.

Respectfully submitted,

Dated: December 31, 2012

STOP THE POWER LINES COALITION

/s/ Edward R. Gower

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